

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2525 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HASUMATIBEN C MAHERIYA

Versus

STATE OF GUJARAT

Appearance:

MR BS SUPEHIA for Petitioner

MR DA BAMBHANIA for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

MR AMIT J SHAH for Respondent No. 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 25/06/98

ORAL JUDGEMENT

RULE.

The petitioner was appointed as Supervisor under Mid day meals Scheme in the year 1988. She was given a term appointment for a particular session. The

appointment was given for specific term every year. However, by order dated 21/23.3.1998, her services have been terminated on the ground that she has committed certain irregularities by not obtaining bills or vouchers from the flour mill owner or shop owner.

2. Assailing the said order of termination dated 21/23/3/1998, that the order of termination is in disregard to the principles of natural justice as no enquiry was conducted or no opportunity of hearing was given to the petitioner. In my view, it is not necessary to go into this aspect as the appointment given to the petitioner for the session 1997-98 has come to an end. Since I am not entering into the question whether the petitioner was given opportunity of hearing, ends of justice would meet if it is made clear that the impugned order of termination dated 21/23.3.98 will not cast any stigma on the petitioner and the order will be treated as an order of termination on completion of the term.

3. In view of the aforesaid, this Special Civil Application is partly allowed clarifying that the impugned order of termination does not cast any stigma on the petitioner and it is made clear that the order of termination will be treated as an order of termination on completion of the term.

Rule made absolute to the aforesaid extent.

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msp.